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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,674	12/20/2001	Nigel Victor Spurr	60,130-1298	2299
26096	7590	10/23/2003	EXAMINER	
CARLSON, GASKEY & OLDS, P.C. 400 WEST MAPLE ROAD SUITE 350 BIRMINGHAM, MI 48009			LUGO, CARLOS	
			ART UNIT	PAPER NUMBER
			3677	

DATE MAILED: 10/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/022,674

Applicant(s)

SPURR ET AL.

Examiner

Carlos Lugo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-12 and 18-20 is/are rejected.
- 7) ☒ Claim(s) 7 and 13-17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This Office Action is in response to applicant's amendment filed on April 30, 2003 (Petition Granted).

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1,2,4-6,8-12 and 18-20 are rejected** under 35 U.S.C. 102(b) as being anticipated by US Pat No 4,802,350 to Periou.

Regarding claim 1, Periou discloses a latch arrangement including a latch (1), a manually actuatable element (13,14,16 and 17), a release mechanism (9,12 and 19) and a power control means (15,32 and 33). The latch is operable to releasably retain a striker (2) in use.

The release mechanism is capable of being moved by the manually actuatable element from a latched position to an unlatched position, wherein it unlatches the latch. The power control means includes a first, second and third conditions.

At the first condition, the power control means is in a non-powered condition and actuation of the manually actuatable element does not cause the release mechanism to unlatch the latch (Col. 4 Lines 48-51). The power control means remains in said non powered condition during actuation of the manually actuatable element.

At the second condition, the power control means is in a powered condition and actuation of the manually actuatable element does not cause the release mechanism to unlatch the latch (Col. 4 Lines 51-57).

At the third condition, the power control means is in a non-powered condition and actuation of the manually actuatable element causes the release mechanism to unlatch the latch (Col. 2 Lines 31-35 and Col. 6 Lines 26-38).

As to claim 2, Periou discloses that a part of the release mechanism is retained in a locked position by the power control means to provide a lock condition of the latch (Col. 4 Lines 48-51).

As to claim 4, Periou discloses that the release mechanism is retained by a pawl or sliding bolt (33).

As to claim 5, Periou discloses that the part of the release mechanism is a lock/unlock lever, which is retained in the first position by the control means to provide for the lock condition and is allowed to move to a second position to provide for the unlocked condition.

As to claim 6, Periou discloses that the control means includes an electromagnet (51, 52, 53 and 54) to retain part of the release mechanism in the unlocked position.

As to claims 8-10, Periou discloses that the power control means includes a magnetic pawl or sliding bolt (33) moveable between a locked and an unlocked position by the electromagnet.

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As to claim 11, Periou discloses that the release mechanism is designed to return to a rest position from a release position upon release of the manually actuable element.

As to claims 12, Periou discloses that the release mechanism is biased to the rest position by resilient means (10 and 20).

As to claim 18, Periou discloses that the latch is moveable between a latch and a release position by a power release actuator.

As to claims 19 and 20, Periou discloses the uses of a coded key (57).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claim 3 is rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 4,802,350 to Periou.

Periou discloses that a second embodiment having a release mechanism (9,39,42 and 46) is retained by magnetic attraction of the power control means (Col. 5 Lines 38-66).

It would have been obvious to one having ordinary skill in the art at the time the invention was made because it will not affect the retaining of the release mechanism.

***Allowable Subject Matter***

6. **Claims 7,13 and 14 would be allowable** if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. Claims 15-17 would be allowable because they depend from claims 13 and 14.

***Response to Arguments***

7. Applicant's arguments filed on April 30, 2003 have been fully considered but they are not persuasive.

Regarding applicant's arguments that Periou fails to disclose that the power control means has a first and a second condition (Page 8 Lines 17), Periou discloses this limitation.

Periou discloses a first condition, wherein the power control means has no power or current (Col. 4 Lines 48-51). If a person tries to unlatch the latch by actuating the manually actuatable element, it will notice that the manually actuatable element will not cause the release mechanism to unlatch the latch.

Periou also discloses a second condition, wherein the power control means is in a powered condition. The power control means move the plunger 33 out of the opening 34 in order to cause a release mechanism to unlatch the latch (Col. 4 Lines 51-57).

And finally, Periou also discloses a third condition, wherein if there is some kind of current problem, the actuation of the manually actuatable element causes the release mechanism to unlatch the latch (Col. 2 Lines 31-35 and Col. 6 Lines 26-38).

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Therefore, Periou discloses the invention as claimed by the applicant.

***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number is 703-305-9747. The examiner can normally be reached on 9-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.

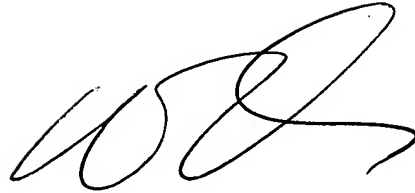
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Carlos Lugo  
Examiner  
Art Unit 3677

October 21, 2003.

A handwritten signature in black ink, appearing to read 'W. L. Miller', with a stylized, flowing script.

**WILLIAM L. MILLER  
PRIMARY EXAMINER**